

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GLENN ARTHUR SINCLAIR and  
MARILYN SINCLAIR,

Plaintiffs,

v.

HEMBREE & HODGSON  
CONSTRUCTION, L.L.C.,  
JUBIL LEE McBLAIR,  
JSW PROPERTIES, INC., and  
CONTINENTAL TIRE NORTH  
AMERICA, INC.

Defendants.

Case No. CIV-18-938-D

**ORDER**

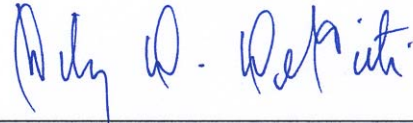
Defendant Continental Tire North America, Inc. (“Continental Tire”) moved to dismiss Plaintiffs’ Complaint on October 16, 2018. [Doc. No. 8]. During the pendency of the motion, Plaintiffs filed an Amended Complaint [Doc. No. 17].<sup>1</sup> This Amended Complaint supersedes Plaintiffs’ original pleading and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10<sup>th</sup> Cir. 1991); *Predator Int’l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-1181 (10<sup>th</sup> Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10<sup>th</sup> Cir. 2007). Thus, Continental Tire’s motion directed at the Complaint is moot.

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<sup>1</sup> Continental Tire filed an Answer to Plaintiffs’ Amended Complaint on November 16, 2018. [Doc. No. 22].

IT IS THEREFORE ORDERED that Defendant Continental Tire's Motion to Dismiss [Doc. No. 8] is DENIED as moot. Plaintiffs' response brief [Doc. No. 18] is hereby STRICKEN.

IT IS SO ORDERED this 20<sup>th</sup> day of November 2018.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE